

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

**DEFENDANT'S MOTION FOR LEAVE TO DEPOSE PLAINTIFF**

COMES NOW, the Defendant Lauro Diaz (“Diaz” or “Defendant”), by and through his undersigned counsel, and hereby moves this Honorable Court (the “Motion”) to enter an order, substantially in the form attached hereto, granting Diaz leave to depose Plaintiff Emanuel Redden (“Redden” or “Plaintiff”). In support of the Motion, Diaz states as follows:

1. Plaintiff, Redden is an inmate incarcerated at the Delaware Correctional Center in Smyrna, Delaware.

2. Counsel for Diaz wishes to depose Redden as part of discovery in this case.

3. The scheduling order entered in this matter set the discovery deadline for January 19, 2007 (D.I. 16).

4. Federal Rule of Civil Procedure 30(a) requires leave of the Court to depose an incarcerated individual.

5. A form of order is attached to this Motion that grants Defendant's counsel the right to depose Redden.

WHEREFORE, Defendant respectfully requests that this Honorable Court enter an order, substantially in the form attached hereto, granting the Motion for Leave to Depose Plaintiff Emanuel Redden.

**DEPARTMENT OF JUSTICE  
STATE OF DELAWARE**

*/s/ Erika Y. Tross*

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Erika Y. Tross (#4506)  
Deputy Attorney General  
820 N. French Street, 6<sup>th</sup> Floor  
Wilmington, DE 19801  
(302) 577-8400

Attorney for Defendant Lauro Diaz

Dated: December 20, 2006

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

## **ORDER**

Upon Defendant's Motion For Leave To Depose Plaintiff (the "Motion"); and it appearing that good and sufficient notice of the Motion has been given; and after due deliberation thereon:

**IT IS HEREBY ORDERED** as follows:

1. The Motion is **GRANTED**.
2. Defendant is granted leave to depose the Plaintiff in this matter.

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

The Honorable Gregory M. Sleet  
United States District Court Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

EMANUEL REDDEN, )  
                          )  
Plaintiff, )  
                          )  
                          ) Civil Action No. 05-241-GMS  
v. )  
                          )  
CORRECTIONAL OFFICER DIEZ, )  
                          )  
Defendant. )

**7.1.1 CERTIFICATE OF COUNSEL**

The undersigned counsel hereby certifies, pursuant to Rule 7.1.1 of the Local Rules for the District Court of Delaware, that she is, as a practical matter, unable to discuss the subject of this Motion with the Plaintiff because the Plaintiff is an incarcerated inmate in a prison. Defense counsel assumes that the Plaintiff opposes the Motion.

**DEPARTMENT OF JUSTICE  
STATE OF DELAWARE**

*/s/ Erika Y. Tross* \_\_\_\_\_

Erika Y. Tross (#4506)  
Deputy Attorney General  
820 N. French Street, 6<sup>th</sup> Floor  
Wilmington, DE 19801  
(302) 577-8400

Attorney for Defendant Lauro Diaz

Dated: December 20, 2006

**CERTIFICATE OF SERVICE**

I, Erika Y. Tross, Esq., hereby certify that on December 20, 2006, I caused a true and correct copy of the attached *Defendant's Motion For Leave To Depose Plaintiff* to be served on the following individual in the form and manner indicated:

**NAME AND ADDRESS OF RECIPIENT:**

Inmate Emanuel Redden  
SBI #00092507  
Delaware Correctional Center  
1181 Paddock Road  
Smyrna, DE 19977

**MANNER OF DELIVERY:**

One true copy by facsimile transmission to each recipient  
 Two true copies by first class mail, postage prepaid, to each recipient  
 Two true copies by Federal Express  
 Two true copies by hand delivery to each recipient

*/s/ Erika Y. Tross*  
\_\_\_\_\_  
Erika Y. Tross (#4506)  
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